

REMARKS

The Examiner has required restriction in the above-identified application.

Specifically, election of one of the following groups is required:

Group I: Claims 55-57, 59-60, and 66-72, drawn to a method for selective cytolysis of a target cell comprising contacting said target cell with an adenovirus vector comprising a cell type specific transcriptional regulatory element (TRE) operably linked to a first adenovirus gene essential for replication selected from the group consisting of E1A, E1B, E4, wherein said adenovirus further comprises a cytotoxic gene, classified in class 424, subclass 93.2.

Group II: Claims 55-57, 61-62, and 66-72, drawn to a method for selective cytolysis of a target cell comprising contacting said target cell with an adenovirus vector comprising a cell type specific transcriptional regulatory element (TRE) operably linked to a first adenovirus gene essential for replication selected from the group consisting of E1A, E1B, E4, wherein said adenovirus further comprises a cytokine gene, classified in class 424, subclass 93.2.

Group III: Claims 55-57 and 63-72, drawn to a method for selective cytolysis of a target cell comprising contacting said target cell with an adenovirus vector comprising a cell type specific transcriptional regulatory element (TRE) operably linked to a first adenovirus gene essential for replication selected from the group consisting of E1A, E1B, E4, wherein said adenovirus further comprises the coding sequence for adenovirus death protein, classified in class 424, subclass 93.2.

Group IV: Claims 73-77, 79-80 and 86-92, drawn to a method for selective cytolysis of a target cell comprising contacting said target cell with an adenovirus vector

comprising a cell type specific transcriptional regulatory element (TRE) operably linked to a first adenovirus gene essential for replication selected from the group consisting of E1A, E1B, E4, wherein said adenovirus further comprises a cytotoxic gene and further comprising a second TRE, classified in class 424, subclass 93.2.

Group V: Claims 73-77, 81-82 and 86-92, drawn to a method for selective cytolysis of a target cell comprising contacting said target cell with an adenovirus vector comprising a cell type specific transcriptional regulatory element (TRE) operably linked to a first adenovirus gene essential for replication selected from the group consisting of E1A, E1B, E4, wherein said adenovirus further comprises a cytokine gene and further comprising a second TRE, classified in class 424, subclass 93.2.

Group VI: Claims 73-77 and 83-92, drawn to a method for selective cytolysis of a target cell comprising contacting said target cell with an adenovirus vector comprising a cell type specific transcriptional regulatory element (TRE) operably linked to a first adenovirus gene essential for replication selected from the group consisting of E1A, E1B, E4, wherein said adenovirus further comprises a coding sequence for ADP and further comprising a second TRE, classified in class 424, subclass 93.2.

Responsive to the Restriction/Election of Species Requirement dated November 10, 2005, Applicants elect, Group V, with traverse, for further prosecution at this time. Applicants submit that Group II will therefore also be examined since Group II and Group V are both directed to a method for selective cytolysis of a target cell that comprises two TREs and a cytokine. In conducting a search of Group V, the Examiner has also inherently searched Group II, in that every aspect of Group II is captured in


Group V. Hence, thus there is no undue burden on the Examiner in examining both groups together.

CONCLUSION

Applicants submit that the application is now in condition for examination on the merits. Early notification of such action is earnestly solicited. If any issues remain which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact Applicants counsel, Linda R. Judge at (415) 836-2586.

Respectfully submitted,

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